

Simeon Herskovits (NV Bar No. 11155)  
Iris Thornton, *pro hac vice*  
Advocates for Community and Environment  
P.O. Box 1075  
El Prado, New Mexico 87529  
Tel: 575-758-7202  
simeon@communityandenvironment.net

Michael C. Wheable (NV Bar No. 12518)  
White Pine County District Attorney  
County Courthouse  
801 Clark Street, Suite 3  
Ely, Nevada 89301  
Tel: 775-293-6565  
MWheable@whitepinecountynv.gov

*Attorneys for Plaintiffs White Pine County, et al.*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

CENTER FOR BIOLOGICAL DIVERSITY,	)	
	)	Case No. 2:14-cv-00226-APG-VCF
Plaintiff,	)	
vs.	)	<b>STIPULATION AND JOINT MOTION</b>
	)	<b>TO STAY BRIEFING RE: PLAINTIFFS</b>
UNITED STATES BUREAU OF LAND	)	<b>WHITE PINE COUNTY, ET AL.'S</b>
MANAGEMENT, <i>et al.</i> ,	)	<b>MOTION FOR ATTORNEYS' FEES</b>
	)	<b>AND COSTS</b>
Defendants,	)	
	)	
and	)	<b>ORDER</b>
	)	
SOUTHERN NEVADA WATER	)	
AUTHORITY,	)	
	)	
<u>Defendant-Intervenor.</u>	)	
	)	
WHITE PINE COUNTY, <i>et al.</i> ,	)	Case No. 2:14-cv-00228-APG-VCF
	)	(Consolidated)
Plaintiffs,	)	
	)	
vs.	)	

UNITED STATES BUREAU OF LAND  
MANAGEMENT, *et al.*,

Defendants,

and

SOUTHERN NEVADA WATER  
AUTHORITY,

Defendant-Intervenor.

---

Plaintiffs White Pine County, et al., (“the County”) have filed a motion for attorneys’ fees, costs, and expenses pursuant to the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412. In order to facilitate the ongoing settlement discussions regarding the County’s motion, the County and Federal Defendants jointly move this Court to stay briefing on the County’s motion for 60 days. In support of this motion, the County and Federal Defendants stipulate as follows:

1. Concurrently with this stipulation and joint motion, the County has filed a motion for attorneys’ fees and costs. The County’s motion will be supplemented as appropriate to account for any future litigation in this case.

2. The County and Federal Defendants agree that briefing and argument on the County’s claim for attorneys’ fees and costs may be unnecessary in light of the parties’ attempt to settle the County’s claim.

3. The County and Federal Defendants agree that future proceedings on the County’s motion for award of attorneys’ fees and costs, including the filing of a supporting brief and other materials supporting that motion, should be deferred for 60 days. At that time, the County and Federal Defendants will either jointly propose a briefing schedule to address the

County's motion for attorneys' fees and costs, or the parties will otherwise apprise the Court of the status of the County's motion and any request for action by the Court.

Based on the foregoing, the County and Federal Defendants respectfully request that that this Court stay briefing and argument on the County's concurrently filed motion for attorneys' fees and costs for 60 days from the date of the Court's order granting such stay.

Dated this 22nd day of January, 2018.

**IT IS SO ORDERED.**



United States District Judge  
Dated: January 23, 2018

Respectfully submitted,

/s/ Simeon Herskovits

Simeon Herskovits (NV Bar No. 11155)  
Iris Thornton, *pro hac vice*  
Advocates for Community and Environment  
P.O. Box 1075  
El Prado, New Mexico 87529  
Telephone: 575-758-7202  
simeon@communityandenvironment.net

Michael C. Wheable (NV Bar No. 12518)  
White Pine County District Attorney  
County Courthouse  
801 Clark Street, Suite 3  
Ely, Nevada 89301  
Telephone: 775-293-6565  
MWheable@whitepinecountynv.gov

*Attorneys for Plaintiffs  
White Pine County, et al.*

STEVEN W. MYRHE  
Acting United States Attorney

BLAINE T. WELSH  
Assistant United States Attorney  
Nevada State Bar No. 4790  
333 Las Vegas Boulevard South, Suite 5000  
Las Vegas, Nevada 89101  
Telephone: 702-388-6336  
Facsimile: 702-388-6787  
Email: blaine.welsh@usdoj.gov

JEFFREY H. WOOD  
Acting Assistant Attorney General

/s/ Luther L. Hajek

LUTHER L. HAJEK  
Trial Attorney, Natural Resources Section  
United States Department of Justice  
Environment & Natural Resources Division  
999 18th Street, South Terrace, Suite 370  
Denver, Colorado 80202  
Telephone: 303-844-1376  
Facsimile: 303-844-1350  
Email: luke.hajek@usdoj.gov

STACEY BOSSHARDT  
Trial Attorney, Natural Resources Section  
United States Department of Justice  
Environment & natural Resources Division  
601 D Street, NW  
Washington, D.C. 20004  
Telephone: 202-514-2912  
Facsimile: 202-305-0274  
Email: stacey.bosshardt@usdoj.gov

Of Counsel:

Stephen R. Palmer  
Assistant Regional Solicitor  
Office of the Regional Solicitor  
Department of the Interior  
2800 Cottage Way, Room E-1712  
Sacramento, California 95825-1890

*Counsel for Federal Defendants*

IT IS SO ORDERED:

\_\_\_\_\_  
ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE

Dated: